

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

✓ FILED _____ ENTERED _____
LOGGED _____ RECEIVED _____
10:15 am, Mar 20 2025
AT BALTIMORE
CLERK, U.S. DISTRICT COURT
DISTRICT OF MARYLAND
BY TTD Deputy

UNITED STATES OF AMERICA

*

v.

*

CRIMINAL NO. 25-mj-695-ADC

*

ABIMAEI ANTONIO DIAZ
CALDERON

*

*

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT

I, Milton Lynn, being duly sworn, deposes and states the following:

1. I am a Special Agent with Homeland Security Investigations (HSI), Immigration & Customs Enforcement (ICE), and have served in that capacity since December 2006. I am authorized by law to interrogate, arrest, search, and seize unlawfully present aliens pursuant to Title 8, United States Code, Section 1357. Throughout my career, I have been involved in the investigation of numerous cases involving the illegal reentry of aliens and other violations of the Immigration & Nationality Act.

2. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the ICE investigative file, including the defendant's criminal history record; and from reports of other enforcement officers involved in the investigation.

3. Because I have submitted this Affidavit for the limited purpose of establishing probable cause, I have not included every detail of every aspect of the investigation. Rather, I have set forth only those facts that I believe are necessary to establish probable cause. I have not, however, excluded any information known to me that would defeat a determination of probable cause.

4. This Affidavit is submitted in support of a criminal complaint and arrest warrant for Abimael Antonio Diaz Calderon (“Diaz Calderon”), charging him with reentry after removal subsequent to a felony conviction, in violation of 8 U.S.C. § 1326(a) & (b)(1).

PROBABLE CAUSE

5. The defendant is a citizen and national of Guatemala, and not a native, citizen or national of the United States.

3. At an unknown date and time before March 12, 2025, the defendant entered the United States at an unknown location without inspection by an immigration officer. The defendant’s immigration history is set forth below.

4. On May 17, 2002, US Border Patrol (“USBP”) encountered Diaz Calderon near Rodeo, New Mexico. USBP determined that Diaz Calderon entered the US without inspection, admission, or parole by an Immigration Officer. USBP issued and served a Notice to Appear, to Diaz Calderon pursuant to section 212(a)(6)(A)(i) of the Immigration and Nationality Act (“INA”). On October 9, 2002, an Immigration Judge ordered Diaz Calderon removed from the United States. On November 13, 2002, the United States Immigration and Naturalization Service (“INS”) removed Diaz Calderon from the US to Guatemala.

5. The defendant subsequently re-entered the United States at or near Falfurrias, Texas on or about March 29, 2003. On or about March 29, 2003, the defendant was encountered by USBP near Falfurrias. USBP determined that Diaz Calderon entered the US without inspection, admission, or parole by an Immigration Officer. USBP issued and served a Notice to Appear, on Diaz Calderon pursuant to section 212(a)(6)(A)(i) of the INA. USBP detained Diaz Calderon pending deportation proceedings. On May 23, 2003, Immigration and Customs enforcement (“ICE”) removed Diaz Calderon from the United States to Guatemala, via Houston, Texas.

6. The defendant subsequently re-entered the United States on June 23, 2003, by swimming the Rio Grande River at a place not designated as a Port of Entry near Brownsville, Texas. Subsequently, on July 2, 2003, USBP apprehended Diaz Calderon near Raymondville, Texas. USBP determined that Diaz Calderon entered the United States without inspection, admission, or parole by an Immigration Officer. USBP subsequently processed Diaz Calderon as a reinstatement of a deportation order. USBP issued and served a Notice of Intent/Decision to Reinstate Prior Order. On August 28, 2003, ICE removed Diaz Calderon from the United States to Guatemala, via Houston, Texas.

7. Your affiant reviewed records maintained by the Department of Homeland Security revealing that on December 12, 2004, Diaz Calderon was arrested by Special Agents of Immigration & Customs Enforcement, where Diaz Calderon attempted to take custody of a package containing a quantity of cocaine during a controlled delivery conducted by law enforcement. Diaz Calderon was subsequently charged with conspiracy to import cocaine in violation of 21 U.S.C. § 963; and unlawful importation of cocaine in violation of 21 U.S.C. § 952(a), in the United States District Court for the Eastern District of Virginia. *See United States v. Diaz-Calderon*, Crim. No. 05-15 (E.D. Va.). Diaz Calderon was subsequently convicted of conspiracy to import cocaine in violation of 21 U.S.C. § 963, a felony, and in September 2005 was sentenced to 63 months in the Federal Bureau of Prisons, with 3 years supervision.

8. On June 4, 2007, ICE ERO Criminal Alien Program (“CAP”) Chicago encountered Diaz Calderon when it was discovered that Diaz Calderon was an inmate at Northeast Ohio Correctional Center, after his federal conviction. On August 6, 2009, ICE removed Diaz Calderon from the United States to Guatemala, via New Orleans, Louisiana.

9. On May 22, 2012, USBP encountered Diaz Calderon near Rodeo, New Mexico. USBP determined that Diaz Calderon entered the US without inspection, admission, or parole by an Immigration Officer. USBP processed Diaz Calderon as a Reinstatement. USBP determined that Diaz Calderon was in violation of 212(a)(9)(A)(i) of the INA. USBP issued and served a Notice of Intent/Decision to Reinstate Prior Order. On June 1, 2012, ICE removed Diaz Calderon from the United States to Guatemala, via Phoenix, Arizona.

10. On March 12, 2025, Maryland Transportation Authority Police (“MDTAP”) conducted a routine vehicle stop on a vehicle driven by Diaz Calderon on Interstate 95 North, Exit 60 in Baltimore, Maryland. After conducting standard law enforcement checks on Diaz Calderon, MDTA Police notified ICE Baltimore. Your affiant and S/A J. Nugent responded to the scene and took custody of Diaz Calderon on violations of the Immigration and Nationality Act. Diaz Calderon was transported to ICE Baltimore Field Office for further processing. Fingerprint impressions were obtained from Diaz Calderon on March 12, 2025 and were electronically submitted to various law enforcement databases.

11. During post arrest processing, Diaz Calderon was fingerprinted via DHS standard fingerprinting process. This process automatically compares the prints taken from Diaz Calderon to other previously captured fingerprints. The prints came back as a match to Abimael Antonio Diaz Calderon, Alien No. 078 317 661, with a date a birth of December 13, 1985. Additionally, when arrested, Diaz Calderon had in his possession a Maryland Driver’s License (Soundex MD-10275685983) for one Abimael Antonio Diaz Calderon, with the same date of birth of December 13, 1985. The photograph on the driver’s license visually appears to match Diaz Calderon person.

12. There is no record that, following the prior deportation, the defendant ever obtained permission to reenter the United States from the Secretary for Homeland Security, the United States Attorney General, or any other authorized official.

CONCLUSION

13. Accordingly, pursuant to the facts set forth above, I submit that probable cause exists for the issuance of a criminal complaint and warrant for the arrest of Diaz Calderon, an alien who previously had been removed subsequent to a felony conviction, knowingly entered and was found in the United States without having obtained the express consent of the Attorney General of the United States or his successor, the Secretary for Homeland Security, to reapply for admission in the United States as required by law, in violation of 8 U.S.C. § 1326(a) & (b)(1).

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge.

**MILTON O
LYNN III**

Digitally signed by
MILTON O LYNN III
Date: 2025.03.17
19:10:22 -04'00'

Milton Lynn
Special Agent
Homeland Security Investigations

Sworn to before me over the telephone and signed by me pursuant to Fed. R. Crim. P. 4.1 and 4(d) this 19th day of March, 2025.

A. David Copperthite

HONORABLE A. DAVID COPPERTHITE
UNITED STATES MAGISTRATE JUDGE

Type text here